

John E. Flaherty, Esq.  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Phone: (973) 622-4444  
Facsimile: (973) 624-7070

Attorneys for Plaintiffs  
Warner Chilcott Laboratories Ireland Limited,  
Warner Chilcott Company, LLC,  
Warner Chilcott (US), LLC and  
Mayne Pharma International Pty. Ltd

OF COUNSEL:  
Dominick A. Conde, Esq.  
Diego Scambia, Esq.  
Gregory B. Sephton, Esq.  
FITZPATRICK, CELLA, HARPER &  
SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Phone: (212) 218-2100  
Facsimile: (212) 218-2200

Attorneys for Plaintiffs  
Warner Chilcott Laboratories Ireland Limited,  
Warner Chilcott Company, LLC and  
Warner Chilcott (US), LLC

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

---

WARNER CHILCOTT LABORATORIES  
IRELAND LIMITED, *et al.*,

Plaintiffs,

v.

MYLAN PHARMACEUTICALS INC. and  
MYLAN INC.,

Defendants.

: Civil Action No.  
: 2:09-cv-02073-WJM-MF  
:  
: (Consolidated for discovery purposes with:  
: 2:08-cv-6304-WJM-MF  
: 2:09-cv-00228-WJM-MF  
: 2:09-cv-01233-WJM-MF  
: 2:10-cv-00511-WJM-MF)  
:  
: **NOTICE OF MOTION FOR**  
: **PRELIMINARY INJUNCTION AND**  
: **TEMPORARY RESTRAINING**  
: **ORDER AGAINST DEFENDANTS**  
: **MYLAN PHARMACEUTICALS INC.**  
: **AND MYLAN INC.**  
:  
: **Motion Date: September 19, 2011**  
:  
: **ORAL ARGUMENT REQUESTED**

---

TO: ALL COUNSEL

**PLEASE TAKE NOTICE** that on September 19, 2011 at 10:00 a.m, or as soon  
thereafter as counsel may be heard, Plaintiffs Warner Chilcott Company, LLC, Warner Chilcott

(US), LLC (collectively, “Warner Chilcott”)<sup>1</sup>, and Mayne Pharma International Pty. Ltd. (collectively, “Plaintiffs”) will move before United States District Judge William J. Martini at the Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, for entry of a preliminary injunction against Defendants Mylan Pharmaceuticals Inc. and Mylan Inc., and those acting in concert with them, (collectively, “Mylan”), preliminarily enjoining Mylan from engaging in the commercial manufacture, distribution, use, marketing or sale of generic 150 mg doxycycline hyclate delayed release tablet products during the pendency of this injunction and until the Court has resolved all issues of validity and infringement relating to the patents-in-suit;

**PLEASE TAKE FURTHER NOTICE** that in conjunction with Plaintiffs’ Motion for a Preliminary Injunction, Plaintiffs will seek that Mylan retract immediately in writing any offers for sale of generic 150 mg doxycycline hyclate delayed release tablet products made to any customers or potential customers;

**PLEASE TAKE FURTHER NOTICE** that in conjunction with Plaintiffs’ Motion for a Preliminary Injunction, Plaintiffs will seek a temporary restraining order against Mylan effective September 27, 2011, temporarily restraining Mylan from engaging in the commercial manufacture, distribution, use, marketing or sale of generic 150 mg doxycycline hyclate delayed release tablet products until the Court’s resolution of the preliminary injunction motion;

**PLEASE TAKE FURTHER NOTICE** that in conjunction with Plaintiffs’ Motion for a Preliminary Injunction, Plaintiffs will seek a temporary restraining order against Mylan effective September 27, 2011, that Mylan retract immediately in writing any offers for sale of generic 150

---

<sup>1</sup> Warner Chilcott Laboratories Ireland Limited, originally named a Plaintiff, has been dissolved.

mg doxycycline hyclate delayed release tablet products made to any customers or potential customers;

**PLEASE TAKE FURTHER NOTICE** that Plaintiffs will rely upon the Brief in Support of Plaintiffs' Motion for a Contingent Temporary Restraining Order and Preliminary Injunction Against Mylan, the Declarations of Martyn C. Davies, Paul Herendeen, Professor Jerry A. Hausman, Roger Aston, and Brendan M. O'Malley, Esq., and the supporting exhibits to these Declarations, the Declaration and Responsive Expert Report of Professor James W. McGinity Pursuant to Fed. R. Civ. P. 26(a)(2)(B) Regarding the Validity of United States Patent No. 6,958,161, the supporting exhibits to this Declaration, and oral argument of counsel;

**PLEASE TAKE FURTHER NOTICE** that a Proposed Order granting Plaintiffs' Motion for a Preliminary Injunction is attached;

**PLEASE TAKE FURTHER NOTICE** that a Proposed Order granting Plaintiffs' Motion for a Temporary Restraining Order is attached.

Dated: August 24, 2011

By: s/ John E. Flaherty  
John E. Flaherty  
McCARTER & ENGLISH, LLP  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102  
Phone: (973) 622-4444  
Facsimile: (973) 624-7070

Attorneys for Plaintiffs  
Warner Chilcott Laboratories Ireland Ltd.,  
Warner Chilcott Company, LLC,  
Warner Chilcott (US), LLC and  
Mayne Pharma International Pty. Ltd.

OF COUNSEL:

Dominick A. Conde  
Diego Scambia  
Gregory B. Sephton  
FITZPATRICK, CELLA,  
HARPER & SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Phone: (212) 218-2100  
Facsimile: (212) 218-2200

Attorneys for Plaintiffs  
Warner Chilcott Laboratories Ireland Ltd.,  
Warner Chilcott Company, LLC and  
Warner Chilcott (US), LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that true and correct copies of the foregoing Plaintiffs' Notice of Motion for Preliminary Injunction and Temporary Restraining Order Against Defendants Mylan Pharmaceuticals Inc. and Mylan Inc. and supporting papers were caused to be served on August 24, 2011, via electronic mail and ECF upon the following:

Arnold B. Calmann ([abc@saiber.com](mailto:abc@saiber.com))

Geri L. Albin ([gla@saiber.com](mailto:gla@saiber.com))

**SAIBER LLC**

One Gateway Center, 13th Floor  
Newark, New Jersey 07102

Larry Shatzer ([lshatzer@wsgr.com](mailto:lshatzer@wsgr.com))

**WILSON SONSINI GOODRICH & ROSATI**

Professional Corporation  
1700 K Street, NW, Fifth Floor  
Washington, D.C. 20006

Dieter H. Hellmoldt ([dhellmoldt@wsgr.com](mailto:dhellmoldt@wsgr.com))

**WILSON SONSINI GOODRICH & ROSATI**

Professional Corporation  
650 Page Mill Road  
Palo Alto, California 94304

Jennifer Koh ([jkoh@wsgr.com](mailto:jkoh@wsgr.com))

**WILSON SONSINI GOODRICH & ROSATI**

Professional Corporation  
12235 El Camino Real, Suite 200  
San Diego, California 92130

Counsel for Defendants  
Mylan Pharmaceuticals Inc. and Mylan Inc.

Dated: August 24, 2011

s/John E. Flaherty  
John E. Flaherty